



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Elisa Vitale, Case Manager
Joel Lawson, Associate Director Development Review

DATE: September 18, 2012

SUBJECT: BZA Case 18405 - request for special exception relief under § 223 and variance relief under § 2300 to construct a detached garage at 937 S Street NW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following relief requests to permit construction of a detached accessory garage in the rear yard:

- Special exception relief pursuant to § 223 from § 403.2 to allow 69.9% lot occupancy (60% permitted by right, 70% by special exception); and
- Area variance relief pursuant to § 2300.2(b) to allow a setback of 7.5 feet from the centerline of the alley (12 feet required).

II. LOCATION AND SITE DESCRIPTION:

Address:	937 S Street NW
Legal Description:	Square 362, Lot 110
Ward:	1B
Lot Characteristics:	The subject lot (property) is rectangular in shape and measures 19.75 feet in width by 92.5 feet in length. The property fronts S Street NW to the south and a 15-foot wide public alley to the north.
Zoning:	R-4 – detached, attached, semi-detached, single family dwellings and flats.
Existing Development:	Attached row dwelling, which is permitted in this zone.
Historic District:	Greater U Street Historic District
Adjacent Properties:	Attached row dwellings
Surrounding Neighborhood Character:	Mix of attached and semi-detached row dwellings.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Robert Carroll, property owner
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Proposal:	The applicant proposes to construct a 19.7-foot wide by 21-foot long detached accessory garage, accessible from a 15-foot improved alley. The proposed garage would measure approximately 10 feet in height and would be flush with the east and west property lines.
Relief Sought:	Special exception and area variance pursuant to 11 DCMR §§ 3104.1 and 3103.2: variance from the alley setback requirements under § 2300.2(b) and a special exception under § 223 for lot occupancy (§ 403.2) to allow the construction of an accessory detached garage serving a one-family row dwelling in the R-4 zone.

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max. 3 stories	3 stories	No change	None required
Lot Width (ft.) § 401	18 ft. min.	19.75 ft.	No change	None required
Lot Area (sq.ft.) § 401	1,800 sq. ft. min.	1,826 sq. ft.	No change	None required
Lot Occupancy § 403	60% max., 70% by special exception	47.3%	69.9%	9.9%
Rear Yard (ft.) § 404	20 ft. min.	41.4 ft.	No change	None required
Side Yard (ft.) § 405	None required	N/A	N/A	None required
Distance from Centerline of Alley (ft.) § 2300.2(b)	12 ft.	N/A	7.5 ft.	4.5 ft.
Height Accessory Structure (ft.) § 2500.4	15 ft. max. 1 story	N/A	10 ft. 1 story	None required

V. OP ANALYSIS:

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

Private garages in accessory buildings are permitted in the R-4 zone. The applicant is requesting special exception relief under § 223 from the requirements of § 403.2 to construct a detached garage

¹ Information provided by applicant.

that does not conform to the lot occupancy requirements. The accessory garage, in addition to the existing dwelling, would create a lot occupancy of 69.9%, which would exceed the permitted lot occupancy for a dwelling in the R-4 district (60%) but would comply with the 70% limitation under § 223.3.

223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

Construction of a detached garage should not unduly affect the light and air available to neighboring properties. The applicant is proposing to construct a detached garage that is of a modest height, one story or approximately 10 feet tall. Detached garages are found in the rear yards of a number of other properties on the block.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

Privacy of use and enjoyment of neighboring properties should not be unduly compromised. The proposed garage would not feature windows on the east or west sides and would be flush against the privacy fencing at the adjoining property lines. Furthermore, the proposed garage would screen the applicant's parking from view from the alley and the adjoining properties.

(c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and

The CMU with brick veneer detached accessory garage should not substantially visually intrude upon the character, scale and pattern of the alley upon which the garage will front. The alley is characterized by a variety of fencing types (chain link, board-on-board, and stockade), roll-up gates, and garages. Historic Preservation staff expressed no concerns with the proposed design.

(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.

The applicant has provided photos, elevation drawings, and a site plan showing the relationship of the proposed addition to adjacent buildings and views from public ways.

223.3 The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.

The proposed lot occupancy of 69.9% does not exceed the 70% maximum permitted within the R-4 zone.

223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

No special treatment is recommended.

223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

No nonconforming use would be established under this proposal.

VI. VARIANCE

The applicant is requesting an area variance for relief from the requirements of § 2300.2(b) to permit construction of a detached garage that would not conform to the required setback from the centerline of the alley (12 feet required, 7.5 feet proposed). In order to be granted a variance, the applicant must demonstrate how they meet the three-part test described in § 3103.

1. *Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?*

The property is located along a 15-foot wide public alley and the south side of the alley is characterized by buildings and fences located at the property line. The applicant's proposal would maintain the existing condition along the alley and would align with the existing fences at the adjoining properties.

2. *Does the extraordinary or exceptional situation described in the first part of the variance test impose a practical difficulty which is unnecessarily burdensome to the applicant?*

The applicant proposes to locate the garage at the property line – set back 7.5 feet from the alley centerline. The Applicant has indicated that it would be practically difficult to strictly comply with the required setback. Locating the garage an additional 4.5 feet from the alley centerline could result in maintenance, safety, and sightline issues by creating a niche between the garage, the applicant's rear property line, and the side fence lines of the adjoining properties.

3. *Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?*

Granting a variance would not cause substantial detriment to the public good. OP staff is not aware of any neighbor or ANC opposition to the proposal. The proposed 7.5-foot setback from the alley centerline would be consistent with other nearby accessory buildings and fencing. Further, relief could be granted without substantial detriment to the Zoning Regulations and Map, as the proposed location should not hinder any alley movement.

VII. COMMUNITY COMMENTS

The applicant indicates that the proposal has been reviewed with the adjoining property owners and that no objections were raised.

ANC1B has not voiced opposition to the application.

VIII. COMMENTS OF OTHER DISTRICT AGENCIES

Comments had not been received from other agencies at the time this report was written.

Attachments:

1. Location map

